



Crl.M.P.(MD)No.9817 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.05.2026

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL MP(MD) No.9817 of 2026

IN

CRL RC(MD) NO. 841 of 2026

Arumugam

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District.
(Crime No.304 of 2015)

... Respondent

Prayer: This Criminal Miscellaneous Petition is filed under Section 377(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the sentence of imprisonment imposed by the learned I Additional District and Sessions Court, Tirunelveli in Crl.A.No.47 of 2025 judgment dated 06.04.2026 confirming the conviction and sentence imposed by the learned Judicial Magistrate-III, Tirunelveli in C.C.No. 62 of 2020 dated 12.07.2025 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.



Crl.M.P.(MD)No.9817 of 2026

For Petitioner : Mr.T.Leninkumar
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed by the learned I Additional District and Sessions Court, Tirunelveli in Crl.A.No.47 of 2025 judgment dated 06.04.2026 confirming the conviction and sentence imposed by the learned Judicial Magistrate-III, Tirunelveli in C.C.No.62 of 2020 dated 12.07.2025 and enlarge the petitioner on bail, pending disposal of the criminal revision petition.

2. The learned counsel appearing for the petitioner submitted that the trial Court sentenced him to undergo simple imprisonment for a period of three years and to pay a fine of Rs.1000/- in default to undergo 15 days of simple imprisonment, for the offence under Section 457 of IPC and simple imprisonment for a period three years and to pay a fine of Rs.1000/- in default to undergo 15 days simple imprisonment for the offence under Section 380 of IPC in C.C.No.62 of 2020 on the file of the learned Judicial Magistrate-III, Tirunelveli.



Crl.M.P.(MD)No.9817 of 2026

3. The learned I Additional District and Sessions Court, Tirunelveli confirmed the conviction, and confirmed the sentence and dismissed the Crl.A.No.47 of 2025 on 06.04.2026. Challenging the same, the present Criminal Revision Case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the fact that the petitioner has good chance of succeeding in the revision petition, this Court is of the considered view that the petitioner herein



Crl.M.P.(MD)No.9817 of 2026

is entitled to the relief of grant of suspension of sentence.

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7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-III, Tirunelveli;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the learned Judicial Magistrate-III, Tirunelveli, on all working days at 10.30 a.m., until further orders.

07.05.2026

apd

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Crl.M.P.(MD)No.9817 of 2026

To

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1. The Judicial Magistrate-III, Tirunelveli.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.



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Crl.M.P.(MD)No.9817 of 2026

S.SRIMATHY, J.,

apd

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(2/2)